



MINUTES EXECUTIVE BOARD

**Emergency Meeting
Monday
July 11, 2005**

**LCR 1
State Capitol Building
Pierre, South Dakota**

Monday, July 11, 2005

The emergency meeting of the Legislative Research Council Executive Board was called to order by Chair Senator Ed Olson at 9:33 a.m. (CT), July 11, 2005, in LCR 1 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Mike Broderick, William F. Earley, Bob Gray, Gil Koetzle, Jim Peterson, and Ed Olson; and Representatives H. Paul Dennert, Pat Haley, Jean M. Hunhoff, Barry Jensen, Matthew Michels, Gordon R. Pederson, and J.E. "Jim" Putnam. Representative Phyllis M. Heineman was present after the roll was called. Senator Lee Schoenbeck was unable to attend the meeting.

Staff members present included James Fry, Director, and Rhonda Purkapile, Supervisor of Text Editing.

A list of guests present during all or part of the meeting is on file with the master minutes.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

(Clarification: Voice votes that prevail with all members present voting "aye" will carry the disposition language "prevailed unanimously." Voice votes that prevail with a majority of all members present voting "aye" will carry the disposition language "prevailed." Voice votes that prevail without all members present voting "aye" will list those members casting "nay" votes if so requested by the dissenting voter.)

Approval of Agenda

REPRESENTATIVE DENNERT MOVED, SECONDED BY SENATOR EARLEY, THAT THE AGENDA BE APPROVED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

SENATOR BRODERICK MOVED, SECONDED BY REPRESENTATIVE JENSEN, THAT THE EXECUTIVE BOARD GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE REDISTRICTING LITIGATION WITH LEGAL COUNSEL. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

The executive session commenced at 9:36 a.m.

The Board recessed at 12:00 Noon for lunch and reconvened at 1:05 p.m.

The Board recessed at 2:00 p.m. and reconvened at 3:20 p.m.

REPRESENTATIVE PEDERSON MOVED, SECONDED BY SENATOR BRODERICK, THAT THE EXECUTIVE SESSION CONCLUDE. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

The executive session concluded at 3:33 p.m.

SENATOR KOETZLE MOVED, SECONDED BY SENATOR EARLEY, THAT THE EXECUTIVE BOARD REQUEST THAT THE GOVERNOR CALL THE LEGISLATURE INTO A SPECIAL SESSION FOR THE PURPOSE OF REVISITING THE REDISTRICTING PLAN OF 2001.

Speaking to his motion, Senator Koetzle stated his belief that the full legislative body should be involved in making the decision on what should be done with the legislative districts involved in the redistricting litigation. He felt that this would also strengthen the Legislature's position with the court.

Representative Pederson commented that he did not feel it was necessary to call the Legislature into a special session because the Executive Board represents all 105 legislators when the legislative body is not in session. He felt that it was appropriate that the Executive Board make the decision with regard to the redistricting litigation.

THE KOETZLE MOTION FAILED ON A ROLL CALL VOTE (6-8-1). VOTING AYE: Dennert, Earley, Gray, Haley, Koetzle, Peterson (Jim). VOTING NAY: Broderick, Heineman, Hunhoff, Jensen, Michels, Pederson (Gordon), Putnam, Olson. EXCUSED: Schoenbeck.

REPRESENTATIVE MICHELS MOVED, SECONDED BY SENATOR BRODERICK, THAT THE EXECUTIVE BOARD ADOPT THE RESOLUTION (Document #1), EXPRESSING ITS CONTINUED SUPPORT OF THE 2001 REDISTRICTING PLAN.

Representative Michels commented that the resolution is very clear and states that the Executive Board respectfully reaffirms the Legislature's position of support of the Redistricting Plan of 2001 as adopted by the Legislature. He noted that the Legislature has looked at people in a "colorblind" fashion and tried to ensure that no retrogression took place when adopting this redistricting plan in 2001. He also noted that this plan was favored by the local representatives.

Representative Dennert commented that even though he voted for a special session, he would support the resolution.

Senator Koetzle commented that the 2001 redistricting plan was submitted to, and pre-cleared by, the United States Department of Justice. He expressed his belief that this is the right plan for the state of South Dakota.

THE MICHELS MOTION PREVAILED ON A ROLL CALL VOTE (14-0-1). VOTING AYE: Broderick, Dennert, Earley, Gray, Haley, Heineman, Hunhoff, Jensen, Koetzle, Michels, Pederson (Gordon), Peterson, (Jim), Putnam, Olson. EXCUSED: Schoenbeck.

Chair Olson clarified that the staff of the Legislative Research Council and Office of Attorney General was authorized by the Board to make corrections to the resolution as deemed necessary, without making any substantive changes to the language in the resolution.

Representative Valandra thanked the Board for including him, a former member of the redistricting committee, in the day's discussion. He stated his opinion that the Legislature has been earnestly mindful of the voting rights of the people of South Dakota, particularly those in his district, and that it is unfortunate that the state has been put into this situation. He stated that over the years, we have heard testimony from tribal members that they could possibly go after a bit more, but with the tribal members' laid back style of state politics on the reservation, the 2001 redistricting plan seems to work very well for us. He thanked the Board for supporting the Legislature's adoption of the 2001 redistricting plan.

Representative Michels thanked and commended the Attorney General and his staff for their time and work they have put into this issue.

SENATOR BRODERICK MOVED, SECONDED BY REPRESENTATIVE HEINEMAN, THAT THE EXECUTIVE BOARD ADJOURN. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

The Executive Board adjourned at 3:50 p.m.

